

The Corporation of the City of Kawartha Lakes

By-Law 2023-XXX

A By-law to Amend By-law 2021-194, being a By-Law to Repeal and Replace By-Law 2021-154, being A By-law to Prescribe a Tariff of Fees for the Processing of Heritage Applications in the City of Kawartha Lakes

Recitals

1. By-laws may be passed to establish and require the payment of fees for information, services, activities and the use of City property.
2. Section 391 of the Municipal Act 2001, S.O. 2001, as amended provides for a municipality to pass by-laws imposing fees or charges on persons for services and activities provided or done by or on behalf of it, for costs payable by it for services or activities provided or done by or on behalf of any other municipality or local board, and for the use of its property including property under its control.
3. Section 69(1) of the Planning Act R.S.O. 1990, c.P.13, as amended, provided that a municipality may establish a tariff of fees for the processing of applications.
4. Council deems it desirable to enact a tariff of fees by-law for heritage-related matters as prescribed within this By-Law.
5. Amendments to the Ontario Heritage Act have changed the scope of applications for which Council may set application requirements, including fees, and amendments to the by-law are required to reflect the changes to the Act.

Accordingly, the Council of The Corporation of the City of Kawartha Lakes enacts this By-law 2023-XXX.

Section 1.00: Definitions and Interpretation

- 1.01 **Definitions:** All defined terms in the amending by-law take their meaning from By-law 2021-194 in the City of Kawartha Lakes.
- 1.02 **Interpretation Rules:**
 - (a) The words “include” and “including” are not to be read as limiting the meaning of a word or term to the phrases or descriptions that follow.
- 1.03 **Statutes:** References to laws in this by-law are meant to refer to the statutes, as amended from time to time, that are applicable within the Province of Ontario.

- 1.04 **Severability:** If a court or tribunal of competent jurisdiction declares any portion of this by-law to be illegal or unenforceable, that portion of this by-law shall be considered to be severed from the balance of the by-law, which shall continue to operate in full force and effect.

Section 2.00: Amendments to By-law 2021-194

- 2.01 **Amendment:** Section 3.01 is amended to read:

Prior to initiating a peer review of technical studies submitted in support of an application to alter or demolish a heritage property, the repeal of a heritage designation by-law, new construction in relation to a heritage property or district, or a development application involving or adjacent to a heritage property or site with archaeological potential, the City shall obtain a written quote from a pre-selected consultant(s). The applicant shall provide the minimum peer review deposit plus the combined total of the written quote(s) to commence the peer review process. Where multiple peer reviews are required, only one deposit fee will be charged.

Section 3.00: Administration and Effective Date

- 3.01 **Administration of the By-law:** The Director of Development Services is responsible for the administration of this by-law.
- 3.02 **Effective Date:** This By-law shall come into force on the date it is finally passed.

By-law read a first, second and third time, and finally passed, this [redacted] day of [redacted], 2023.

Doug Elmslie, Mayor

Cathie Ritchie, City Clerk